

Standard of proof for issuing temporary child-possession orders

HB 1361 by Goodman/C. Harris

DIGEST:	HB 1361 would have allowed a court to issue a temporary order in a <i>habeas corpus</i> proceeding involving possession of a child if the child's environment might endanger the child's physical health or significantly impair the child's emotional development, rather than if there were a serious immediate question concerning the welfare of the child.
GOVERNOR'S REASON FOR VETO:	"This bill was vetoed at the request of the sponsors."
RESPONSE:	Rep. Toby Goodman, author of HB 1361, said: "I requested that the governor veto this legislation because, after it passed the House and was on the intent calendar of the Senate, I had a call from the Family Law Council voicing their concerns with changing the burden of proof in the Family Code. At this point, it was too late to kill the bill and the speaker, because it was so late in the session, would not let me introduce a resolution recalling it, so I asked the governor to veto it."
NOTES:	HB 1361 passed the House on the Consent Calendar and was not analyzed in a <i>Daily Floor Report</i> .